

Ascarate

DEPARTMENT OF ENERGY
Fossil Energy
[Docket Nos. PP-48-3]

AMENDMENT TO PRESIDENTIAL PERMIT PP-48 AUTHORIZING
THE EL PASO ELECTRIC COMPANY
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES AT THE
INTERNATIONAL BORDER BETWEEN THE UNITED STATES AND MEXICO

BACKGROUND

On August 30, 1990, El Paso Electric Company (EPE) applied to the Department of Energy (DOE), pursuant to Executive Order 10485, as amended by Executive Order 12038, to amend the Presidential permit contained in Docket No. PP-48 (formally FPC Docket IT-5762) and issued to EPE on May 21, 1946. Presidential permit PP-48, as amended on March 15, 1949, and November 26, 1958, authorized the construction, connection, operation, and maintenance of a 69-kilovolt (kV) transmission line at the international border between the U.S. and Mexico.

Notice of the application from EPE for amendment of the existing Presidential permit was given on September 12, 1990, (55 FR 37523) stating that any person desiring to be heard or to make any protest with reference to the application should file with the DOE a Petition to Intervene or protest in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.0) on or before October 12, 1990. No comments, protests, or Petitions to Intervene were received.

In its application to amend the Presidential permit, EPE requested authority to convert the existing 69-kV international transmission line to 115-kV. EPE has indicated that this amendment is required because the Comision Federal de Electricidad (CFE), the Mexican national utility, plans to convert its local 69-kV facilities to 115-kV operation and EPE must effect a similar conversion of its international transmission facilities in order to maintain its interconnection with CFE.

EPE's existing 69-kV facilities extend approximately 7100 feet from EPE's Ascarate Substation located in El Paso to the U.S. - Mexican border. Only approximately 2100 feet of the existing transmission facilities would require any physical modification to effect the conversion. All construction would take place within the existing right-of-way and would include replacement of ten existing poles, installation of new insulators, the addition of six new poles, and the replacement of the existing conductors.

The DOE has assessed the potential environmental impacts associated with the conversion of the existing 69-kV facilities to 115-kV operation and has determined that the proposed action clearly would not constitute a major Federal action which could significantly affect the quality of the human environment within the meaning of the National Environmental

Policy Act of 1969, 42 U.S.C. 4321, et seq. The DOE, in a Memorandum To The File dated September 26, 1990, documents the rationale supporting this finding.

The DOE also has assessed the potential impacts on system reliability associated with the conversion of the existing 69-kV facilities to 115-kV operation. Whenever EPE exchanges electric energy with Mexico, synchronism between the two systems can only be maintained either by separating CFE's Ciudad Juarez electric system from CFE's national electric grid or by separating EPE's electric system from the rest of the Western Systems Coordinating Council system. Such an arrangement would cause the importing system to be "seen" as a radial load by the exporting system. Presently, during periods when no energy is scheduled for delivery across the border, line disconnect switches on the EPE system are opened, thus electrically disconnecting the two systems and precluding the possibility of a fault on one system from effecting the other. A continuation of this operating procedure will ensure that any "cross-border" loads served by either EPE or CFE will be connected only radially to the supplying system and would not result in any impairment of reliability of the U.S. power supply system.

Furthermore, the existing 69-kV interconnection provides EPE with access to an emergency source of power from the CFE system. Once CFE converts its existing 69-kV facilities to 115 kV operation, EPE would not be able to obtain emergency assistance at that

border crossing without similarly converting its international interconnection to 115-kV operation. Therefore, denial of the requested amendment for conversion to 115-kV would eliminate EPE's access to an emergency power source and would actually reduce the overall reliability of the EPE electric system.

Based on this assessment, and after review and evaluation of the information submitted by the applicant, the Deputy Assistant Secretary for Fuels Programs, Fossil Energy, has concluded that the conversion of the existing 69-kV international transmission facilities to 115-kV operation would not impair the reliability of the electric power supply system of the United States.

FINDING

Having found that there is no significant environmental impact and that there is no electric reliability problem associated with the modification and operation of the proposed facility, and since the Secretary of State by letter dated November 29, 1990, and the Secretary of Defense by letter dated November 27, 1990, have concurred with amending the Presidential permit, the Deputy Assistant Secretary for Fuels Programs, Fossil Energy, finds that the amendment of the Presidential permit, as provided hereafter, is appropriate and consistent with the public interest.

AUTHORIZATION

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order No. 12038, and the Rules and Regulations thereunder (Title 10, Code of Federal Regulations, section 205.320 et seq.), Presidential Permit PP-48 hereby is amended by granting El Paso Electric Company authority to construct, connect, operate and maintain at the international border of the United States and Mexico, one 115-kV, alternating current (ac) transmission line which previously was a 69-kV transmission line as further described in Article 2 below, upon the following conditions:

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this permit. This permit may be modified or revoked by the President of the United States without notice, or by the DOE after public notice, and may be amended by the DOE after proper application thereto.

Article 2. The facilities covered by and subject to this permit shall include the following facilities and all supporting structures within the right-of-way occupied by such facilities:

One 115-kV transmission line from the existing Ascarate Substation located in El Paso, Texas, to the international border between the United States and Mexico, and there connecting with the CFE 115-kV system. This transmission line will be built in the existing right-of-way of the 69-kV

transmission line previously authorized on May 21, 1946, by Presidential Permit PP-48, as amended.

These facilities are more specifically shown and described in the application filed by the applicant on August 30, 1990.

Article 3. The facilities described in Article 2 will be designed and operated in accordance with the applicable criteria established by the Inland Power Pool, and consistent with those of the Western Systems Coordinating Council. Furthermore, the subject facilities shall be operated in a manner such that the EPE and CFE Ciudad Juarez electric systems shall be directly connected to each other only after separation of the CFE Ciudad Juarez system from CFE's main electric grid, or after separation of the EPE system from the main electric grid of the Western System Coordination Council, as appropriate.

Article 4. No change shall be made in the facilities covered by this permit or in the authorized operation of these facilities unless such change has been approved by the DOE.

Article 5. EPE or its agent shall at all times maintain the facilities covered by this permit in a satisfactory condition so that all requirements of the National Electric Safety Code in effect at the time of construction are fully met.

Article 6. The operation and maintenance of the facilities covered by this permit shall be subject to the inspection and approval of a properly designated representative of the DOE, who shall be an authorized representative of the United States for such purposes. EPE shall allow officers or employees of the United States with written authorization for free and unrestricted access into, through and across any lands occupied by these facilities in the performance of their duties.

Article 7. EPE shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. EPE shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the center of the transmission circuit are the only ones which must be resolved. EPE shall maintain written records of all complaints received and of the corrective actions taken.

Article 8. The United States shall not be responsible or liable: for damages to or loss of the property of, or injuries to, persons; for damages to, or loss of the facilities covered by this permit; or for damages to, or loss of the property of, or injuries to the person of EPE officers, agents, servants or employees, or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and EPE shall hold the United States harmless from any and all such claims.

Article 9. EPE shall arrange for the installation and maintenance of appropriate metering equipment to record permanently the hourly flow of all electric energy transmitted between the United States and Mexico over the facilities authorized herein. EPE shall prepare, maintain and preserve complete and accurate records concerning the transfer of such electric energy; and shall furnish the DOE an annual report which will be due on or before February 15th of each year, detailing the transmission of such electric energy, as follows: (1) the gross amount of kilowatt-hours of electric energy received or delivered; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid or received for such energy during each month of the preceding calendar year.

Article 10. Neither this permit nor the facilities covered by this permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect for a period of 60 days and then shall terminate unless an application for a new permit pursuant to Title 10, Code of Federal Regulations, section 205.323, has been received by the DOE. Upon receipt by the DOE of such an application, this existing permit shall continue in effect pending a decision on the new

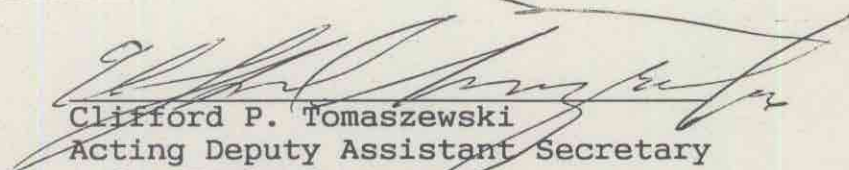
application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this permit, the 115-kV ac transmission line, which is owned, connected, operated and maintained by EPE and described in Article 2 of this permit, shall be removed within such time as DOE may specify and at the expense of EPE. If EPE fails to remove such facilities or any portion thereof authorized by this permit, DOE may direct that such actions be taken for the removal of the facilities or the restoration of the land associated with the facilities at the expense of EPE. EPE shall have no claim for damages by reason of such possession, removal or repair.

However, upon a showing by EPE that certain facilities authorized herein, such as portions of its rights-of-way or the transmission line within the United States, are useful to other utility operations within the bounds of the United States, the DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Article 12. This permit shall be valid upon receipt by the DOE of the Testimony of Acceptance properly executed.

In witness whereof, I, Clifford P. Tomaszewski, Acting Deputy Assistant Secretary for Fuels Programs, hereunto sign my name, this 13th day of December, 1990, in the city of Washington, District of Columbia.



Clifford P. Tomaszewski
Acting Deputy Assistant Secretary
for Fuels Programs
Fossil Energy